

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MIGUEL ANGEL MEDEL LOPEZ,

Plaintiff,

v.

CLALLAM COUNTY, et al.,

Defendant.

Case No. 3:22-cv-05525-TMC

ORDER ADOPTING REPORT &
RECOMMENDATION

The Court, having reviewed the Report and Recommendation of Magistrate Judge David W. Christel, Plaintiff Miguel Angel Medel Lopez's response to the Report and Recommendation, and the remaining record, does hereby find and ORDER:

(1) The Court adopts the Report and Recommendation.

a. Mr. Lopez did not file a response to Defendants' motion for summary judgment or objections to the Report and Recommendation within the original time allowed.

b. Instead, on April 24, 2024, Mr. Lopez requested additional time to file objections to the Report and Recommendation. Dkt. 41. The Court granted

1 this request and allowed Mr. Lopez until May 31, 2024 to file objections.
2 Dkt. 43.

3 c. On May 28, 2024, Mr. Lopez filed a “Motion to Compel” combined with his
4 response to the Report and Recommendation. Dkt. 44. Mr. Lopez asks the
5 Court to “compel Defendants to send me a copy of medical records that
6 [defense counsel] subpoena[ed] from Washington State Department of
7 Corrections.” *Id.* at 1. But the discovery deadline in this case was December 8,
8 2023, and Mr. Lopez did not make any discovery requests or move to compel
9 before that deadline, despite the Court informing him he could do so if he was
10 not able to obtain discovery. *See* Dkt. 40 at 4; Dkt. 28 at 2. Mr. Lopez also
11 testified in his deposition that he had received copies of his medical records
12 from the Defendants. Dkt. 32-3 at 9. Mr. Lopez’s request to compel
13 production of his medical records is denied.

14 d. The Court has conducted de novo review of the Report and Recommendation
15 based on Mr. Lopez’s other objections. Fed. R. Civ. P. 72(b); *United States v.*
16 *Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc). The Court will
17 briefly address each objection in turn.

18 e. Mr. Lopez contends that this proceeding has been unfair because the Court
19 denied his two motions to appoint counsel. Dkt. 44 at 2–3. But as Judge
20 Christel explained in denying those motions, there is no right to counsel in a
21 civil case, and Mr. Lopez did not present the extraordinary circumstances that
22 allow for the appointment of counsel. *See* Dkt. 28.

23 f. Mr. Lopez says that while he was at the Clallam County jail, an Officer
24 Bluehouse intimidated him during court appearances by threatening to shoot

1 him. Dkt. 44 at 3. There is not an Officer Bluehouse named as a Defendant in
2 this case, and this objection is not a basis for rejecting the Report and
3 Recommendation.

4 (2) Mr. Lopez's motion to compel (Dkt. 44) is denied.

5 (3) Mr. Lopez has also filed a motion requesting reimbursement of the filing fees that
6 have been deducted from his prison account. Dkt. 42. But as Judge Christel explained
7 when granting Mr. Lopez's application to proceed *in forma pauperis*, even though
8 Mr. Lopez is indigent, the law requires partial payments toward the court filing fee to
9 be collected from his prison account until the entire filing fee has been paid. *See*
10 Dkt. 3; 28 U.S.C. § 1915(b). Mr. Lopez's motion to reimburse the filing fee is denied.

11 (4) Defendants' Motion for Summary Judgment (Dkt. 30) is granted, and Plaintiff's
12 claims are dismissed with prejudice.

13 (5) The Clerk is directed to send copies of this Order to Plaintiff, counsel for Defendants,
14 and to the Hon. David W. Christel.

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16 Dated this 5th day of June, 2024.

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19 Tiffany M. Cartwright
20 United States District Judge
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